

**REMARKS**

Claims 2, 5-9, 11, 13-16, 18, 19, 21, 24-28, 30, 32-34, 37-43, 45-46 and 54-59 are pending in the application.

Claims 2, 5-9, 11, 13-16, 18, 19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49, 50 and 52-60 have been rejected.

Claims 2, 6, 11, 15, 21, 25, 30, 32-34, 37-43, 45-46, 54-56, and 59 have been amended. Support for these claim amendments can be found at least in p. 8, ll. 11-29, p. 9, ll. 1-7, p. 45, ll. 11-19, and Figure 1 of the Specification.

Claims 47, 49, 50, 52, 53, and 60 have been canceled.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

**Examiner Interview**

Applicants would also like to thank Examiner Refai for the interview conducted on May 14, 2009. During the interview, the Examiner suggested several amendments to the claims that could advance prosecution. Applicants believe the amendments and discussions below to be in accord with the discussions presented at the interview.

*Rejection of Claims under 35 U.S.C. §101*

Claims 2, 5-9, 11, 13, 14, 21, 24-28, 30, 32-34, 37-43, 45-47, 49, 50, 52-56 and 58-60 stand rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Specifically, the Office Action suggests that Claims 2, 5-9, 11, 13, 14, 21, 24-28, 30, 32-34, 37-43, 45-46, 49, 50, 52-56 and 58-60 can be directed to “merely software.” See Office Action, pp. 4-5. In addition, the Office Action suggests that Claim 47 can include carrier media and signals. See Office Action, p. 5. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments made to independent Claims 2, 21, and 34 are in harmony with the Examiner’s suggestions for overcoming this rejection. Specifically, Claims 2, 21, and 34 have been amended to recite additional hardware structures associated with the claimed invention. Claim 47 has been cancelled.

Therefore, Applicants respectfully submit that the rejection to these claims has been overcome and respectfully request the withdrawal of the rejection to Claims 2, 5-9, 11, 13, 14, 21, 24-28, 30, 32-34, 37-43, 45-46, 54-56, 58, and 59.

*Rejection of Claims under 35 U.S.C. § 103(a)*

Claims 2, 5-9, 11, 13-16, 18, 19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49, 50 and 52-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,092,509 issued to Mears et al. (“Mears”) in view of “Official Notice.” Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in

the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

The Office Action rejects independent Claims 2, 15, 21, 34, and 49 using substantially the same reasoning. *See* Office Action, p. 9. In light of this approach by the Office Action, and without conceding to the implication that these claims are indeed substantially the same, Applicants will address the rejections using Claim 2, as amended, as representative of the rejected claims. Claim 2, as amended, states:

a configurable communication server comprising memory storing instructions configured to  
 communicate with said communication channel of said one or more media-specific communication channels via a corresponding channel driver of one or more channel drivers, wherein said communication channel is coupled to said configurable communication server via said corresponding channel driver,  
 said communicating is agnostic of a media type of said communication channel,  
 said communication channel is associated with one or more vendors,  
 each of said one or more vendors of said communication channel provides a channel driver implementation for said corresponding channel driver associated with said communication channel,  
 said channel driver implementation is configured according to a common communication application program interface to allow the configurable communication server to communicate with said communication channel independently of said media type of and vendor-dependent communication protocols for said communication channel,  
 and

said corresponding channel driver is implemented apart from said configurable communication server and coupled to said configurable communication server,  
 access information regarding a type of communication that uses the communication channel,  
 determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing, and  
 determine an event response to perform in response to an event if the type of communication is incoming, wherein  
 the information is accessed from a memory storing data corresponding to a configuration of the communication channel; and  
 a web browser-based media-independent user interface comprising a first user interface object configured to provide a notification of the event received from the communication channel, and wherein  
 said user interface displays a single, web browser-based toolbar providing a visual depiction of all options available to a user to participate in said outgoing or incoming communications.

The Office Action relies on Mears and Official Notice ((purportedly evidenced by Sadovsky and Furner)), in combination, to reject Claim 2. *See* Office Action, pp. 6-7. But Applicants respectfully submit that Mears and the references cited by Official Notice, alone or in combination, fail to show, teach or even suggest the limitations of Claim 2, as amended.

As amended, Claim 2 further clarifies the distinction between the claimed invention and the cited references. In particular, Claim 2 is directed to a communication server's ability to communicate with a communication channel in a manner agnostic to a media type of a communication channel, the coupling of a communication channel to a communication server via a corresponding channel driver, the independent implementation of a channel driver according to a common communication application program interface that occurs apart from the communication server, and the coupling of the channel driver to the communication server. By contrast, the cited sections of Mears and Official Notice fail to teach these limitations.

The cited sections of Mears purportedly provide a contact center system for handling requests of different media types, which include proxies and managers for handling incoming requests of different media types. *See* Mears, Fig. 59-64. The Office Action has equated Mears' contact center system with the claimed communication server. *See* Office Action, p. 2. In addition, the Office Action has asserted that the contact center system inherently uses appropriate drivers to communicate with different media types. *See* Office Action, p. 3. Assuming this to be true (a point Applicants do not concede), the cited sections of Mears fail to disclose at least the amended limitations of Claim 2. This is because Mears' contact center system, which purportedly inherently includes drivers to communicate with different media types, fails to disclose independent implementation and coupling of channel drivers to the contact center system. Mears fails to provide separation of the communication server from the channel drivers, thereby allowing for independent implementation of a channel driver and coupling of the channel driver to the communication server.

Media-independent communication is permitted by each vendor of a said communication channel providing a channel driver implementation configured according to a common communication application program interface and having the channel driver coupled to a communication server. "[B]y requiring the vendor to provide facilities for the communication server to issue commands to and to receive information from the vendor's communication channel 130, communications API 125 enables communications server 109 to operate independently of the communication channel 130 media type and specific protocols to communicate with the vendor's communication device or software." Application, p. 9, ll. 3-7. Applicants submit that Mears' contact center system does not provide for such functionality. Mears' contact center system does not allow for

independent implementation of a channel driver by a vendor of a communication channel and does not allow for the coupling of a channel driver to a communication server. Instead, Mears' contact center system itself already incorporates the necessary functionality to communicate with different communication devices (i.e. the managers and proxies). *See* Mears, Fig. 51-63. Therefore, the cited sections of Mears fail to disclose the limitations of Claim 2.

For at least these reasons, Applicants respectfully submit that neither Mears nor the references cited for Official Notice, alone or in combination, disclose all the limitations of Claims 2, 15, 21, and 34, and all claims depending therefrom, and that these Claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5094.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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